

UNITED STATES DISTRICT COURT
 for the
Western District of Texas

FILED
September 13, 2024
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

United States of America

v.

LEO RZA MIRABAD

)
)
)
)
)
)
)
)

BY: CM
 DEPUTY

Case No. **SA:24-MJ-1291**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 9, 2024 in the county of BEXAR in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section

Offense Description

18 USC 933(a)(1)

Trafficking in Firearms. PENALTIES: Up to 15 years imprisonment,
 \$250,000 fine, 3 years supervised release, \$100 mandatory special
 assessment.

18 USC 922(o)

Possession of a Machine Gun. PENALTIES: Up to 10 years
 imprisonment, \$250,000 fine, 3 years supervised release, \$100
 mandatory special assessment.

+

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Matthew Eller

Digitally signed by Matthew Eller
 Date: 2024.09.12 16:32:32 -05'00'

Complainant's signature

Matthew Eller, SA ATF

Printed name and title



Judge's signature

Date: September 13, 2024

City and state: San Antonio, Texas

RICHARD B. FARRER, US Magistrate Judge

Printed name and title

- Sworn to before me and signed in my presence.
 Sworn to telephonically and signed electronically.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Matthew Eller, being duly sworn do hereby depose and state:

1. I am currently employed as a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since May 2023. Since May 2023, I have participated in investigations concerning violations of Title 18.
2. In August of 2024, two Texas Department of Public Safety (DPS) marked patrol vehicles were burglarized. In the first incident, one marked patrol vehicle had a Texas DPS issued Daniel Defense AR-Style rifle stolen from inside of the vehicle. This stolen firearm had a specific identification number through DPS which was #557239 as well as serial #DDM4228422. This incident occurred on the southeast side of San Antonio, Texas in the area of SE Military and Interstate 37.
3. In the second incident, which occurred a short time after the first, another marked Texas DPS patrol vehicle was burglarized. During this burglary, a Texas DPS issued green armored vest with the words “State Trooper” written on it as well as a Texas DPS issued Daniel Defense AR-Style rifle was stolen out of the vehicle.
4. On September 9, 2024, while monitoring a social media platform, your Affiant observed an account with a display name of “morXXXX,” hereafter referred to as “Target Account.” The Target Account holder, later identified as **Leo Rza Mirabad**, posted a photograph to the “story” section of his profile. This photograph displayed a green armored vest with black letters on it that read “State Trooper” and a description of the vest that read “Paraclete LEVEL III PE Multi Curve Plate.” After seeing this photograph, an ATF undercover agent privately messaged MIRABAD inquiring about the price of the vest. MIRABAD responded by stating a price of “300.”
5. After discussing purchasing the vest, MIRABAD then sent the message “I also got state trooper choppas” followed by two photographs of a black AR-Style rifle. Your Affiant looked at these two pictures and observed that on the magazine-well of the firearm, there was a number engraved into the firearm that read #557239.
6. Texas DPS confirmed number #557239 is an internal asset number which is unique to each department issued firearm. Texas DPS confirmed that this firearm which displayed asset number #557239 belongs to the Texas DPS Trooper whose rifle was stolen during the aforementioned first incident.

7. The undercover agent asked MIRABAD for a bundle deal and stated he was going to send the firearm and vest to Mexico. MIRABAD responded with "HY" which your Affidant believes means "hell yeah," and agreed to the deal to be conducted on September 10, 2024.
8. On September 10, 2024, the undercover agent met MIRABAD at business located on the 2800 block of Goliad Rd. in San Antonio, Texas which is located in the Western District of Texas. MIRABAD sold the undercover agent the Daniel Defendant AR-Style rifle and the green armored vest that had the words "State Trooper" written on it for \$1,300. The rifle bore serial number DDM4228244 as well as the unique Texas DPS asset number on the magazine-well which was #557239.
9. Later that same day, MIRABAD posted a picture of a Smith & Wesson handgun on his story section of his profile offering it for sale for \$350. The undercover agent reached out to MIRABAD and offered to buy the Smith & Wesson when he is back in town on September 12, 2024.
10. On September 12, 2024, the undercover agent met MIRABAD at the same business located on the 2800 block of Goliad Rd. in San Antonio, Texas. MIRABAD sold the undercover agent a loaded Smith & Wesson M&P Shield, 9mm, serial number HKV5926. Defendant was arrested for Trafficking of Firearms. Search incident to arrest yielded a loaded Glock, model 30, .45 caliber, serial number BYNU326 on his person.
11. After waiving his Miranda rights, MIRABAD admitted that he knew the firearms he sold were going to Mexico. MIRABAD also admitted to being on deferred probation.
12. All three firearms recovered from MIRABAD were not manufactured in the State of Texas and therefore traveled in interstate and foreign commerce. Additionally, MIRABAD was placed on felony deferred adjudication in Bexar County, Texas on September 16, 2022, for Evading Arrest/ Detention Motor Vehicle, a third degree felony.
13. A search warrant executed at MIRABAD's residence yielded a Glock, model 32, .357 caliber pistol, serial number GKG302 equipped with a Machine Conversion Device (MCD) also known as a "Glock switch" in MIRABAD's bedroom. A MCD allows the weapon to be fired as a machine gun with a single pull of the trigger.

Based on the above facts, your affiant believes that there is probable cause that **Leo Rza Mirabad** knowingly committed the offense of Trafficking in Firearms, in violation of 18 U.S.C. §933(a)(1) and Possession of a Machine Gun in violation of §922(o).

Matthew Eller
 Digitally signed by Matthew Eller
Date: 2024.09.12 16:32:50
-05'00'

Special Agent Matthew Eller
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN TO ME THIS 13th DAY OF September 2024.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE